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7

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12  
13 v.  
14 DARRELL THOMAS, et al.,  
15 Defendant.

Case No. 2:24-cr-00013-GMN-DJA

**STIPULATION TO CONTINUE**  
**MOTION DEADLINES**  
(Third Request)

16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
18 United States Attorney, and Lauren Ibanez, Assistant United States Attorney, counsel for the  
19 United States of America, and Rene L. Valladares, Federal Public Defender, and Rick Mula,  
20 Assistant Federal Public Defender, counsel for Darrell Thomas, and James Oronoz, counsel for  
21 Michael Anthony Miller, Jr., that the parties herein shall have to and including November 13,  
22 2024, to file any and all pretrial motions and notices of defense.

23 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
24 shall have to and including November 27, 2024, to file any and all responsive pleadings.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
26 shall have to and including December 7, 2024, to file any and all replies to dispositive motions.

The Stipulation is entered into for the following reasons:

1           1.       Since filing the last stipulation to continue, counsel for Mr. Thomas has worked  
2 with Pretrial Services to seek modification of conditions of pretrial release. (ECF Nos. 30, 31.)  
3 Counsel for Mr. Thomas also participated in a lengthy trial (*United States v. Dallmann*, Case  
4 No. 2:22-cr-00030-RFB-DJA) from May 28, 2024, through June 18, 2024. Counsel for Mr.  
5 Thomas was unable to devote any significant attention to this matter during that time period.  
6 Following the *Dallmann* trial, counsel for Mr. Thomas was engaged in extensive suppression  
7 litigation in another matter (*United States v. Shelton*, 2:24-cr-00001-JCM-BNW) that led to an  
8 all-day evidentiary hearing and post-hearing briefing. Due to responsibilities in these matters  
9 and many others, counsel for Mr. Thomas requires additional time to determine whether this  
10 matter may be resolved through negotiation or must go to trial. Moreover, the pretrial motions  
11 deadline may be extended to November 13, 2024, without disturbing the current trial date. LCR  
12 45-2(b).

13           2.       The defendants are out of custody and do not object to the continuance.

14           3.       The parties agree to the continuance.

15           4.       The additional time requested herein is not sought for purposes of delay.

16           5.       Additionally, denial of this request for continuance could result in a miscarriage  
17 of justice. The additional time requested by this Stipulation is excludable in computing the time  
18 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
19 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
20 Section 3161(h)(7)(B)(i), (iv).

21       ///

22       ///

23       ///

1 This is the third stipulation to continue filed herein.

2 DATED this 5th day of September, 2024.

3 RENE L. VALLADARES  
4 Federal Public Defender

JASON M. FRIERSON  
United States Attorney

5 By /s/ Rick Mula

By /s/ Lauren Ibanez

6 RICK MULA  
Assistant Federal Public Defender  
Attorney for Darrell Thomas

LAUREN IBANEZ  
Assistant United States Attorney

8 JAMES ORONoz  
Oronoz & Ericsson LLC

9 By /s/ James Oronoz

10 JAMES ORONoz  
11 Attorney for Michael Anthony Miller, Jr.

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,  
4

5 Plaintiff,

6 v.

7 DARRELL THOMAS, et al.,

8 Defendant.  
9

Case No. 2:24-cr-00013-GMN-DJA

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

10 FINDINGS OF FACT

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. Since filing the last stipulation to continue, counsel for Mr. Thomas has worked  
14 with Pretrial Services to seek modification of conditions of pretrial release. (ECF Nos. 30, 31.)  
15 Counsel for Mr. Thomas also participated in a lengthy trial (*United States v. Dallmann*, Case  
16 No. 2:22-cr-00030-RFB-DJA) from May 28, 2024, through June 18, 2024. Counsel for Mr.  
17 Thomas was unable to devote any significant attention to this matter during that time period.  
18 Following the *Dallmann* trial, counsel for Mr. Thomas was engaged in extensive suppression  
19 litigation in another matter (*United States v. Shelton*, 2:24-cr-00001-JCM-BNW) that led to an  
20 all-day evidentiary hearing and post-hearing briefing. Due to responsibilities in these matters  
21 and many others, counsel for Mr. Thomas requires additional time to determine whether this  
22 matter may be resolved through negotiation or must go to trial. Moreover, the pretrial motions  
23 deadline may be extended to November 13, 2024, without disturbing the current trial date. LCR  
24 45-2(b).

25 2. The defendants are out of custody and do not object to the continuance.

26 3. The parties agree to the continuance.

1           4.       The additional time requested herein is not sought for purposes of delay.

2           5.       Additionally, denial of this request for continuance could result in a miscarriage  
3 of justice. The additional time requested by this Stipulation is excludable in computing the time  
4 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
5 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
6 Section 3161(h)(7)(B)(i), (iv).

7           This is the third stipulation to continue filed herein.

8                               **CONCLUSIONS OF LAW**

9           The ends of justice served by granting said continuance outweigh the best interest of the  
10 public and the defendant in a speedy trial, since the failure to grant said continuance would be  
11 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
12 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
13 account the exercise of due diligence.

14           The continuance sought herein is excludable under the Speedy Trial Act, Title 18,  
15 United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18,  
16 United States Code, § 3161(h)(7)(B)(i), (iv).

17                               **ORDER**

18           IT IS THEREFORE ORDERED that the parties herein shall have to and including  
19 November 13, 2024 to file any and all pretrial motions and notice of defense.

20           IT IS FURTHER ORDERED that the parties shall have to and including November 27,  
21 2024 to file any and all responses.

22           IT IS FURTHER ORDERED that the parties shall have to and including December 4,  
23 2024 to file any and all replies.

24           DATED this 9th day of September, 2024.

25                                 
26                               \_\_\_\_\_  
DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE